

RECEIVED
CENTRAL FAX CENTER

JUN 19 2006

Serial No. 10/677,197
60130-1660; 02MRA0586

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Keith Pound

Serial No.: 10/677,197

Examiner: Jerry E. Redman Group Art Unit: 3634

Filed: October 2, 2003

For: SELF-FASTENING GLASS ATTACHMENT CLIP

Mail Stop – Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellant submits this Reply to Examiner's Answer mailed April 19, 2006. No additional fees are believed required, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, for any additional fees or credits.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- (1) Is the rejection of Claims 1,5, 8-13, and 17-22 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 6,557,302 to Kaps ("Kaps) improper?

ARGUMENT

Claims 1, 13, and 17 require a strand disposed within a cursor, where the strand includes a locking portion to secure at least one attachment member within the cursor. Support for this limitation can be found in the originally filed specification where it is positively stated that

RECEIVED
CENTRAL FAX CENTER

002/003

JUN 19 2006

Serial No. 10/677,197
60130-1660; 02MRA0586

"[t]he clip 22 comprises a single continuous resilient strand 21 having a first and second segments 50,52". The clip 22 is clearly illustrated as a continuous strand in the figures.

The rejection of the claims over Kaps requires reading the entire inner surface and projections within cursors 21 and 22 as the claimed strand. (Office action mailed June 15, 2005, page 3, 1st paragraph). Appellant respectfully disagrees that the inner surface of the Kaps cursor can be read to meet the limitations of the claimed clip.

The Examiner provides a different dictionary definition to dispute that the claimed clip is a strand. The Examiner argues that the surface of the Kaps cursor is as much a strand as the strand required by the claims. Applicant appreciates that the Examiner is required to interpret claims terms broadly. However, that interpretation should fall within the meaning that would be understood by a worker skilled in the art.

Regardless of what dictionary definition is utilized, the specification clearly discloses the structure of the claimed clip. As is understood, "a general-usage dictionary cannot overcome art-specific evidence of the meaning" of a claim term. *Phillips v AWH Corp.*, 415 F.3d 1303, 1321, quoting *Vanderlande Indus. Nederland*, 366 F.3d at 1321, see also *Renishaw*, 158 F.3d at 1250, quoting *Liebscher v. Boothroyd*, 46 C.C.P.A. 701, 258 F.2d 948,951 (CCPA 1958). Properly viewed, the "ordinary meaning" of a claim term is its meaning to the ordinary artisan after reading the entire patent. *Philips v AWH Corp.*, 415 F.3d 1303, 1321 (Fed. Cir. 2005) (*en banc*).

In this instance, there is simply nothing in the specification, drawings, or claims that would be construed by one skilled in the art to support reading the term "strand" as an inner surface of the Kaps clip.

CONCLUSION

For the reasons set forth above, the rejection of claims 1, 5, 8-13, and 17-22 is improper and should be reversed. Appellant earnestly requests such an action.

Serial No. 10/677,197
60130-1660; 02MRA0586

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

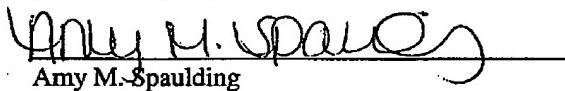


John M. Siragusa
Registration No. 46,174
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: June 19, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this reply to examiner's answer is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on June 19, 2006.



Amy M. Spaulding